

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 296**

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**Introduced by Assembly Member Solorio**

February 17, 2009

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An act to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to supplemental education services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Solorio. Supplemental educational services.

(1) Existing federal law defines “supplemental educational services” as tutoring and other supplemental academic enrichment services that are provided, in addition to instruction provided during the schoolday and are high quality, research-based, and specifically designed to increase academic achievement, as specified.

Under federal law, local educational agencies, state educational agencies, and providers of supplemental educational services are required to comply with certain requirements relating to the administration of these supplemental educational services.

This bill would require ~~the State Department of Education, the State Board of Education, providers of supplemental services, and~~ local educational agencies to comply with specified requirements relating to these supplemental educational services, *including expanding the means of providing information to parents and guardians and accepting enrollment forms*. Because the bill would require local educational

agencies to provide a higher level of service, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 4.3 (commencing with Section 52060) is  
2 added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 4.3. Supplemental Educational Services  
6

7 52060. This article applies to supplemental educational services  
8 offered pursuant to Section 6316(e) of the federal No Child Left  
9 Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

10 ~~52061. (a) The department shall not deny the application of a~~  
11 ~~provider of supplemental educational services based solely on the~~  
12 ~~denial of the provider's application in another state.~~

13 ~~(b) If the program of a provider of supplemental educational~~  
14 ~~services that has been approved by the state board is debarred in~~  
15 ~~another state, the state board shall conduct a review prior to~~  
16 ~~termination of the provider's approval status if the sole basis for~~  
17 ~~contemplating termination is that the provider's program was~~  
18 ~~debarred in another state.~~

19 ~~(c) Local educational agencies offering supplemental services~~  
20 ~~shall open the enrollment period for supplemental educational~~  
21 ~~services within nine weeks of the beginning of the school year.~~

22 ~~(d) Local educational agencies offering supplemental educational~~  
23 ~~services shall ensure that blank enrollment forms are available to~~  
24 ~~any member of the public who requests a form.~~

25 ~~(e)–~~

1     52061. (a) Local educational agencies shall provide at least  
2 two methods by which parents or guardians of eligible pupils may  
3 submit completed enrollment forms. These methods may include,  
4 but are not necessarily limited to, a drop-off location, facsimile,  
5 postal mail, and through an Internet Web site.

6     ~~(f)~~

7     (b) Local educational agencies shall provide parents or guardians  
8 of eligible pupils with information about the availability of  
9 supplemental educational services through at least two channels.  
10 These may include, but are not necessarily limited to, providing  
11 the pupil with information, back-to-school presentations, school  
12 fairs, postal mail, and telephone.

13     ~~(g)~~

14     (c) If a local educational agency provides outside entities access  
15 to school facilities before school, after school, or both, the local  
16 educational agency shall permit supplemental educational services  
17 providers the same access. Those providers shall comply with the  
18 same legal requirements and fee obligations with which all other  
19 outside entities comply.

20     ~~(h) Each provider of supplemental educational services shall~~  
21 ~~begin providing services to pupils within three weeks of the close~~  
22 ~~of the enrollment period.~~

23     SEC. 2. If the Commission on State Mandates determines that  
24 this act contains costs mandated by the state, reimbursement to  
25 local agencies and school districts for those costs shall be made  
26 pursuant to Part 7 (commencing with Section 17500) of Division  
27 4 of Title 2 of the Government Code.